

House Bill 648

By: Representative Scoggins of the 14th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of White; to provide for boundaries and powers of the
2 city; to provide for a governing authority of such city and the powers, duties, authority,
3 election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of
4 interest, and suspension and removal from office relative to members of such governing
5 authority; to provide for inquiries and investigations; to provide for oaths, organization,
6 meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to
7 provide for a mayor and mayor pro tempore and certain duties, powers, and other matters
8 relative thereto; to provide for administrative affairs and responsibilities; to provide for
9 boards, commissions, and authorities; to provide for a city manager, city attorney, a city
10 clerk, and other personnel and duties, powers, and other matters relating thereto; to provide
11 for rules and regulations; to provide for a municipal court and the judge or judges thereof and
12 other matters relative to those judges; to provide for the court's jurisdiction, powers,
13 practices, and procedures; to provide for the right of certiorari; to provide for elections; to
14 provide for taxation, licenses, and fees; to provide for franchises, service charges, and
15 assessments; to provide for bonded and other indebtedness; to provide for auditing,
16 accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to
17 provide for the conveyance of property and interests therein; to provide for bonds for
18 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;
19 to provide for penalties; to provide for definitions and construction; to provide for other
20 matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I**INCORPORATION AND POWERS****SECTION 1.10.**

Name.

This city, and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style City of White, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map of the Corporate Limits of the City of White, Georgia." Photographic, typed, or other copies of such map or description certified by the clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

SECTION 1.13.

Examples of powers.

(a) Animal regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder.

(b) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city.

(c) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades.

(d) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees.

(e) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(f) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations.

(g) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city.

(h) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment.

- 87 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
88 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
89 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties
90 and punishment for violations thereof.
- 91 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
92 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
93 in the operation of the city from all individuals, firms, and corporations residing in or doing
94 business therein benefiting from such services; to enforce the payment of such charges, taxes,
95 or fees; and to provide for the manner and method of collecting such service charges.
- 96 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
97 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
98 and safety of the inhabitants of the city, and to provide for the enforcement of such standards;
- 99 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
100 purpose related to powers and duties of the city and the general welfare of its citizens, on
101 such terms and conditions as the donor or grantor may impose.
- 102 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
103 for the enforcement of such standards.
- 104 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
105 out such sentences in any public works or on the streets, roads, drains, and other public
106 property in the city, to provide for commitment of such persons to any jail, to provide for the
107 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
108 commitment of such persons to any county work camp or county jail by agreement with the
109 appropriate county officials.
- 110 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
111 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
112 city.
- 113 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
114 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
115 necessary and appropriate authority for carrying out all the powers conferred upon or
116 delegated to the same.
- 117 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city
118 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
119 venture authorized by this charter or the laws of the State of Georgia.
- 120 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
121 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
122 outside the property limits of the city.

- 123 (s) Municipal property protection. To provide for the preservation and protection of
124 property and equipment of the city, and the administration and use of same by the public; and
125 to prescribe penalties and punishment for violations thereof.
- 126 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
127 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
128 sewage disposal, stormwater management, gas works, electric light plants, cable television
129 and other telecommunications, transportation facilities, public airports, and any other public
130 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
131 and to provide for the withdrawal of service for refusal or failure to pay the same.
- 132 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
133 private property.
- 134 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
135 authority of this charter and the laws of the State of Georgia.
- 136 (w) Planning and zoning. To provide comprehensive city planning for development by
137 zoning; and to provide subdivision regulation and the like as the city council deems
138 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 139 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
140 officers, and to establish, operate, or contract for a police and a firefighting agency.
- 141 (y) Public hazards: removal. To provide for the destruction and removal of any building or
142 other structure which is or may become dangerous or detrimental to the public.
- 143 (z) Public improvements. To provide for the acquisition, construction, building, operation,
144 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
145 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
146 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
147 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
148 agencies, and facilities; and to provide any other public improvements, inside or outside the
149 corporate limits of the city; to regulate the use of public improvements; and for such
150 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such
151 other applicable laws as are or may hereafter be enacted.
- 152 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
153 conduct, drunkenness, riots, and public disturbances.
- 154 (bb) Public transportation. To organize and operate such public transportation systems as
155 are deemed beneficial.
- 156 (cc) Public utilities and services. To grant franchises or make contracts for, or impose taxes
157 on public utilities and public service companies; and to prescribe the rates, fares, regulations,
158 and standards and conditions of service applicable to the service to be provided by the

159 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
160 Service Commission.

161 (dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal,
162 and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other
163 structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within
164 view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and
165 punishment for violation of such ordinances.

166 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
167 plans and programs for officers and employees of the city.

168 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
169 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
170 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
171 the corporate limits of the city; and to grant franchises and rights-of-way throughout the
172 streets and roads, and over the bridges and viaducts for the use of public utilities; and to
173 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
174 their lots or lands, and to impose penalties for failure to do so.

175 (gg) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
176 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
177 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
178 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
179 to provide for the manner and method of collecting such service charges and for enforcing
180 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
181 those connected with the system.

182 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
183 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
184 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
185 and other recyclable materials, and to provide for the sale of such items.

186 (ii) Special areas of public regulation. To regulate or prohibit junk dealers, the manufacture
187 and sale of intoxicating liquors; to regulate the transportation, storage, and use of
188 combustible, explosive, and inflammable materials, the use of lighting and heating
189 equipment, and any other business or situation which may be dangerous to persons or
190 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
191 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
192 tax professional fortune telling, palmistry, and massage parlors; and to restrict adult stores
193 to certain areas.

194 (jj) Special assessments. To levy and provide for the collection of special assessments to
195 cover the costs for any public improvements.

196 (kk) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and
197 collection of taxes on all property subject to taxation.

198 (ll) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
199 future by law.

200 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
201 number of such vehicles; to require the operators thereof to be licensed; to require public
202 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
203 regulate the parking of such vehicles.

204 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

205 (oo) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and
206 immunities necessary or desirable to promote or protect the safety, health, peace, security,
207 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to
208 exercise all implied powers necessary or desirable to carry into execution all powers granted
209 in this charter as fully and completely as if such powers were fully stated herein; and to
210 exercise all powers now or in the future authorized to be exercised by other municipal
211 governments under other laws of the State of Georgia; and no listing of particular powers in
212 this charter shall be held to be exclusive of others, nor restrictive of general words and
213 phrases granting powers, but shall be held to be in addition to such powers unless expressly
214 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

215 **SECTION 1.14.**

216 Exercise of powers.

217 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
218 employees shall be carried into execution as provided by this charter. If this charter makes
219 no provision, such shall be carried into execution as provided by ordinance or as provided
220 by pertinent laws of the State of Georgia.

221 **ARTICLE II**

222 **GOVERNMENT STRUCTURE**

223 **LEGISLATIVE BRANCH**

224 **A. Creation of offices.**

225 **SECTION 2.10.**

226 City council creation; number; election.

227 The legislative authority of the government of this city, except as otherwise specifically
228 provided in this charter, shall be vested in a city council to be composed of four

229 councilmembers. The city council established shall in all respects be a successor to and
230 continuation of the governing authority under prior law. The councilmembers shall be
231 elected in the manner provided by general law and this charter. The council shall be
232 composed of four members elected by the voters of the city at large in accordance with
233 provisions of Article V of this charter. The mayor shall be elected as provided in
234 Section 2.27 of this charter.

235 B. Terms and qualifications for office.

236 **SECTION 2.11.**

237 City council terms and qualifications for office.

238 The members of the city council shall serve for terms of four years and until their respective
239 successors are elected and qualified. No person shall be eligible to serve as a councilmember
240 unless that person shall have been a resident of the city for 12 months prior to the date of
241 election of members of the council; each shall continue to reside therein during that member's
242 period of service and to be registered and qualified to vote in municipal elections of this city.

243 C. Vacancies in office.

244 **SECTION 2.12.**

245 Vacancy; filling of vacancies.

246 (a) Vacancies - The office of mayor or councilmember shall become vacant upon the
247 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
248 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable
249 laws as are or may hereafter be enacted.

250 (b) Filling of vacancies - A vacancy in the office of mayor or councilmember shall be filled
251 for the remainder of the unexpired term, if any, by appointment by the city council or those
252 members remaining if less than 12 months remains in the unexpired term. If such vacancy
253 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
254 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
255 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
256 as are or may hereafter be enacted.

257 (c) This provision shall also apply to a temporary vacancy created by the suspension from
258 office of any councilmember.

259 D. Compensation and expenses.

260 **SECTION 2.13.**

261 Compensation and expenses.

262 The councilmembers shall receive compensation and expenses for their services as provided
263 by ordinance.

264 E. Prohibitions.

265 **SECTION 2.14.**

266 Conflicts of interest; holding other offices.

267 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
268 city and shall act in a fiduciary capacity for the benefit of such residents.

269 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other
270 city office or city employment during the term for which that person was elected.

271 (c) Conflict of interest - No elected official, appointed officer, or employee of the city or any
272 agency or political entity to which this charter applies shall knowingly:

273 (1) Engage in any business or transaction, or have a financial or other personal interest,
274 direct or indirect, which is incompatible with the proper discharge of that person's official
275 duties or which would tend to impair the independence of the official's judgment or action
276 in the performance of those official duties;

277 (2) Engage in or accept private employment, or render services for private interests when
278 such employment or service is incompatible with the proper discharge of that person's
279 official duties or would tend to impair the independence of the official's judgment or
280 action in the performance of those official duties;

281 (3) Disclose confidential information, including information obtained at meetings which
282 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
283 government, or affairs of the governmental body by which the official is engaged without
284 proper legal authorization; or use such information to advance the financial or other
285 private interest of the official or others;

286 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
287 from any person, firm, or corporation which to the official's knowledge is interested,
288 directly or indirectly, in any manner whatsoever, in business dealings with the
289 governmental body by which the official is engaged; provided, however, that an elected
290 official who is a candidate for public office may accept campaign contributions and
291 services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.

(d) Disclosure - Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(e) Use of public property - No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the city.

(f) Contracts voidable and rescindable - Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(g) Ineligibility of elected official - Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected. No former mayor and no former councilmember shall hold any appointive office in the city until one year after the expiration of the term for which that official was elected.

(h) Political activities of certain officers and employees - No appointive officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for or election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the council either immediately upon election or at any time such conflict may arise.

326 (i) Penalties for violation -

327 (1) Any city officer or employee who knowingly conceals such financial interest or
328 knowingly violates any of the requirements of this section shall be guilty of malfeasance
329 in office or position and shall be deemed to have forfeited that person's office or position.

330 (2) Any officer or employee of the city who shall forfeit an office or position as described
331 in paragraph (1) of this subsection shall be ineligible for appointment or election to or
332 employment in a position in the city government for a period of three years thereafter.

333 F. Inquiries and investigations.

334 **SECTION 2.15.**

335 Inquiries and investigations.

336 Following the adoption of an authorizing resolution, the city council may make inquiries and
337 investigations into the affairs of the city and the conduct of any department, office, or agency
338 thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and
339 require the production of evidence. Any person who fails or refuses to obey a lawful order
340 issued in the exercise of these powers by the city council shall be punished as provided by
341 ordinance.

342 G. General power and authority.

343 **SECTION 2.16.**

344 General power and authority of the city council.

345 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
346 all the powers of government of this city.

347 (b) In addition to all other powers conferred upon it by law, the council shall have the
348 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
349 regulations, not inconsistent with this charter and the Constitution and the laws of the State
350 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
351 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
352 or well-being of the inhabitants of the City of White and may enforce such ordinances by
353 imposing penalties for violation thereof.

H. Eminent domain.

SECTION 2.17.

Eminent domain.

The city council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Organizational meetings.

The city council shall hold an organizational meeting on the first Monday in January or the following day should the first Monday fall on New Year's Day. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected members by a judicial officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly (swear)(affirm) that I will faithfully perform the duties of (mayor)(councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the City of White for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of White to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.19.

Regular and special meetings.

(a) The city council shall hold regular meetings on the first Monday of each month at 7pm at City Hall. Should the first Monday fall on a holiday, then the meeting shall be held on the next business day. Such times and places may be modified by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 2.20.

Rules of procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairs and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.21.

Quorum; voting.

(a) Three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as

416 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
417 required for the adoption of any ordinance, resolution, or motion.

418 (b) No member of the city council shall abstain from voting on any matter properly brought
419 before the council for official action except when such councilmember has a conflict of
420 interest which is disclosed in writing prior to or at the meeting and made a part of the
421 minutes. Any member of the city council present and eligible to vote on a matter and
422 refusing to do so for any reason other than a properly disclosed and recorded conflict of
423 interest shall be deemed to have acquiesced or concurred with the members of the majority
424 who did vote on the question involved.

425 I. Ordinances.

426 **SECTION 2.22.**

427 Ordinance form; procedures.

428 (a) Every proposed ordinance should be introduced in writing and in the form required for
429 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
430 enacting clause shall be "It is hereby ordained by the governing authority of the City of
431 White" and every ordinance shall so begin.

432 (b) An ordinance may be introduced by any councilmember and be read at a regular or
433 special meeting of the city council. Ordinances shall be considered and adopted or rejected
434 by the city council in accordance with the rules which it shall establish; provided, however,
435 that an ordinance shall not be adopted the same day it is introduced, except for emergency
436 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the
437 city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember
438 and shall file a reasonable number of copies in the office of the city clerk and at such other
439 public places as the city council may designate.

440 **SECTION 2.23.**

441 Action requiring an ordinance.

442 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

443 **SECTION 2.24.**

444 Emergencies.

445 (a) To meet a public emergency affecting life, health, property, or public peace, the city
446 council may convene on call of the mayor or two councilmembers and promptly adopt an

447 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
448 franchise; regulate the rate charged by any public utility for its services; or authorize the
449 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
450 shall be introduced in the form prescribed for ordinances generally, except that it shall be
451 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
452 a declaration stating that an emergency exists, and describing the emergency in clear and
453 specific terms. An emergency ordinance may be adopted, with or without amendment, or
454 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
455 councilmembers shall be required for adoption. It shall become effective upon adoption or
456 at such later time as it may specify. Every emergency ordinance shall automatically stand
457 repealed 30 days following the date upon which it was adopted, but this shall not prevent
458 reenactment of the ordinance in the manner specified in this section if the emergency still
459 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
460 in the same manner specified in this section for adoption of emergency ordinances.

461 (b) Such meetings shall be open to the public to the extent required by law and notice to the
462 public of emergency meetings shall be made as fully as is reasonably possible in accordance
463 with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may
464 hereafter be enacted.

465 **SECTION 2.25.**

466 Codes of technical regulations.

467 (a) The city council may adopt any standard code of technical regulations by reference
468 thereto in an adopting ordinance. The procedure and requirements governing such adopting
469 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
470 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
471 ordinance shall be construed to include copies of any code of technical regulations, as well
472 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
473 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant
474 to Section 2.26 of this charter.

475 (b) Copies of any adopted code of technical regulations shall be made available by the city
476 clerk for inspection by the public.

477

SECTION 2.26.

478

Signing; authenticating; recording; codification; printing.

479 (a) The city clerk shall authenticate by the city clerk's signature and record in full in a
480 properly indexed book kept for that purpose all ordinances adopted by the city council.

481 (b) The city council shall provide for the preparation of a general codification of all the
482 ordinances of the city having the force and effect of law. The general codification shall be
483 adopted by the city council by ordinance and shall be published promptly, together with all
484 amendments thereto and such codes of technical regulations and other rules and regulations
485 as the city council may specify. This compilation shall be known and cited officially as "The
486 Code of the City of White, Georgia." Copies of the code shall be furnished to all officers,
487 departments, and agencies of the city, and made available for purchase by the public at the
488 printing cost.

489 (c) The city council shall cause each ordinance and each amendment to this charter to be
490 printed promptly following its adoption, and the printed ordinances and charter amendments
491 shall be made available for purchase by the public at reasonable prices to be fixed by the city
492 council. Following publication of the first code under this charter and at all times thereafter,
493 the ordinances and charter amendments shall be printed in substantially the same style as the
494 code currently in effect and shall be suitable in form for incorporation therein. The city
495 council shall make such further arrangements as deemed desirable with reproduction and
496 distribution of any current changes in or additions to codes of technical regulations and other
497 rules and regulations included in the code.

498

J. Mayor and mayor pro tem.

499

SECTION 2.27.

500

Election of mayor; forfeiture; compensation.

501 The mayor shall be elected and serve for a term of four years and until a successor is elected
502 and qualified. The mayor shall be a qualified elector of this city and shall have been a
503 resident of the city for 12 months preceding the election. The mayor shall continue to reside
504 in this city during the period of service. The mayor shall forfeit the office on the same
505 grounds and under the same procedure as for councilmembers. The compensation of the
506 mayor shall be an hourly rate equal to the rate of pay of the city clerk with the exception that
507 the mayor shall receive the same rate of pay for attending council meetings prescribed by
508 ordinance for councilmembers.

SECTION 2.28.

Chief executive officer.

The mayor and a manager hired by the city council shall be the executive of the city. The executive of the city is responsible for the duties as listed in Section 2.29 of this charter. The city council shall confer upon one or more of these officers all of the executive and administrative powers and duties granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter. The city council may amend the division of duties between these officers at any time by ordinance.

SECTION 2.29.

Powers and duties of executive.

The executive responsibilities of the city shall include and the mayor or city manager shall:

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Recommend all officers and department heads to the city council for hire and termination;
- (3) Hire and supervise employees of the city, except as otherwise provided in this charter. The mayor may authorize any administrative officer to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (4) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (5) Prepare and submit to the city council a recommended operating budget and capital budget;
- (6) Submit to the city council at least once a year a statement covering the financial conditions of the city, and from time to time, such other information as the city council may request;
- (7) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
- (8) Call special meetings of the city council as provided for in subsection (b) of Section 2.19 of this charter;
- (9) Approve or disapprove ordinances as provided in Section 2.32 of this charter;
- (10) Provide for an annual audit of all accounts of the city;
- (11) Require any department or agency of the city to submit written reports whenever the mayor deems it expedient; and

543 (12) Perform such other duties as may be required by law, this charter, or by ordinance.

544 **SECTION 2.30.**

545 Limitation on terms of service.

546 The mayor may run for an unlimited number of consecutive terms.

547 **SECTION 2.31.**

548 Mayor pro tem; selection; duties.

549 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.
550 The mayor pro tem shall preside at all meetings of the city council and shall assume the
551 duties and powers of the mayor upon the mayor's physical or mental disability, suspension
552 from office, or absence. The city council by a majority vote shall elect a new presiding
553 officer from among its members for any period in which the mayor pro tem is disabled,
554 absent, or acting as mayor. Any such absence or disability shall be declared by majority vote
555 of all councilmembers. When serving as mayor, the mayor pro tem shall not also vote as a
556 member of the council.

557 **SECTION 2.32.**

558 Submission of ordinances to the mayor; veto power.

559 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk
560 to the mayor.

561 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
562 clerk with or without the mayor's approval, or with the mayor's disapproval. If the ordinance
563 has been approved by the mayor, it shall become law upon its return to the city clerk; if the
564 ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon
565 on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall
566 submit to the city council through the city clerk a written statement of reasons for the veto.
567 The city clerk shall record upon the ordinance the date of its delivery to and receipt from the
568 mayor.

569 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
570 at its next meeting. If the city council then or at its next meeting adopts the ordinance by an
571 affirmative vote of three members, it shall become law.

572 (d) The mayor may disapprove or reduce any item or items of appropriation in any
573 ordinance. The approved part or parts of any ordinance making appropriations shall become

574 law, and the part or parts disapproved shall not become law unless subsequently passed by
575 the city council over the mayor's veto as provided herein. The reduced part or parts shall be
576 presented to city council as though disapproved and shall not become law unless overridden
577 by the council as provided in subsection (c) of this section.

578 **ARTICLE III**

579 **ADMINISTRATIVE AFFAIRS**

580 **SECTION 3.10.**

581 Administrative and service departments.

582 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
583 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
584 nonelective offices, positions of employment, departments, and agencies of the city, as
585 necessary for the proper administration of the affairs and government of this city.

586 (b) Except as otherwise provided by this charter or by law, the directors of departments and
587 other appointed officers of the city shall be appointed solely on the basis of their respective
588 administrative and professional qualifications.

589 (c) All appointive officers and directors of departments shall receive such compensation as
590 prescribed by ordinance or resolution.

591 (d) There shall be a director of each department or agency who shall be its principal officer.
592 Each director shall be responsible for the administration and direction of the affairs and
593 operations of that director's department or agency.

594 (e) All appointive officers and directors shall be nominated by the mayor with confirmation
595 of appointment by the city council. All appointive officers and directors shall be employees
596 at-will and subject to removal or suspension at any time by the city council unless otherwise
597 provided by law or ordinance.

598 **SECTION 3.11.**

599 Boards, commissions, and authorities.

600 (a) The city council shall create by ordinance such boards, commissions, and authorities to
601 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
602 necessary, and shall by ordinance establish the composition, period of existence, duties, and
603 powers thereof.

604 (b) All members of boards, commissions, and authorities of the city shall be appointed by
605 the city council for such terms of office and in such manner as shall be provided by

606 ordinance, except where other appointing authority, terms of office, or manner of
607 appointment is prescribed by this charter or by law.

608 (c) The city council, by ordinance, may provide for the compensation and reimbursement
609 for actual and necessary expenses of the members of any board, commission, or authority.

610 (d) Except as otherwise provided by charter or by law, no member of any board,
611 commission, or authority shall hold any elective office in the city.

612 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
613 unexpired term in the manner prescribed herein for original appointment, except as otherwise
614 provided by this charter or by law.

615 (f) No member of a board, commission, or authority shall assume office until that person has
616 executed and filed with the city clerk an oath obligating himself or herself to faithfully and
617 impartially perform the duties of that member's office, such oath to be prescribed by
618 ordinance and administered by the mayor.

619 (g) All board members serve at-will and may be removed at any time by a vote of members
620 of the city council unless otherwise provided by law.

621 (h) Except as otherwise provided by this charter or by law, each board, commission, or
622 authority of the city shall elect one of its members as chair and one member as vice-chair,
623 and may elect as its secretary one of its own members or may appoint as secretary an
624 employee of the city. Each board, commission, or authority of the city government may
625 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
626 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
627 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
628 the city clerk.

629 **SECTION 3.12.**

630 City attorney.

631 The city council shall appoint a city attorney, together with such assistant city attorneys as
632 may be authorized, and shall provide for the payment of such attorney or attorneys for
633 services rendered to the city. The city attorney shall be responsible for providing for the
634 representation and defense of the city in all litigation in which the city is a party; may be the
635 prosecuting officer in the municipal court; shall attend the meetings of the council as
636 directed; shall advise the city council, mayor, and other officers and employees of the city
637 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
638 required by virtue of the person's position as city attorney. The city attorney is not a public
639 official of the city and shall not take an oath of office. The city attorney shall at all times be

640 an independent contractor. A law firm, rather than an individual, may be designated as the
641 city attorney.

642 **SECTION 3.13.**

643 City clerk.

644 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
645 shall be custodian of the official city seal and city records; maintain city council records as
646 required by this charter; and perform such other duties as may be required by the city
647 council.

648 **SECTION 3.14.**

649 City accountant.

650 The city council shall appoint a city accountant who shall not be a councilmember. The city
651 accountant shall be custodian of accounting books; and perform such other duties as may be
652 required by the city.

653 **SECTION 3.15.**

654 Position classification and pay plans.

655 The mayor shall be responsible for the preparation of a position classification and pay plan
656 which shall be submitted to the city council for approval. Such plan may apply to all
657 employees of the city and any of its agencies, departments, boards, commissions, or
658 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
659 the salary range applicable to any position except by amendment of such pay plan. For
660 purposes of this section, all elected and appointed city officials are not city employees.

661 **SECTION 3.16.**

662 Personnel policies.

663 All employees serve at-will and may be removed from office at any time unless otherwise
664 provided by ordinance.

665 ARTICLE IV
666 JUDICIAL BRANCH
667 MUNICIPAL COURT
668 **SECTION 4.10.**
669 Creation; name.

670 There shall be a court to be known as the Municipal Court of the City of White.

671 **SECTION 4.11.**
672 Chief judge; associate judge.

673 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
674 or stand-by judges as shall be provided by ordinance.

675 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
676 that person shall have attained the age of 21 years, shall be a member of the State Bar of
677 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
678 by the city council and shall serve until a qualified successor is appointed.

679 (c) Compensation of the judges shall be fixed by ordinance.

680 (d) Judges serve at-will and may be removed from office at any time by the city council
681 unless otherwise provided by ordinance.

682 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
683 will honestly and faithfully discharge the duties of the office to the best of that person's
684 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
685 the city council journal required in Section 2.20 of this charter.

686 **SECTION 4.12.**
687 Convening.

688 The municipal court shall be convened at regular intervals as provided by ordinance.

689 **SECTION 4.13.**
690 Jurisdiction; powers.

691 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
692 this charter, all city ordinances, and such other violations as provided by law.

693 (b) The municipal court shall have authority to punish those in its presence for contempt,
694 provided that such punishment shall not exceed \$200.00 or ten days in jail.

695 (c) The municipal court may fix punishment for offenses within its jurisdiction not
696 exceeding a fine of \$1,000.00, or imprisonment for 180 days, or both such fine and
697 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
698 now or hereafter provided by law. The fine schedule may be revised by the council by
699 ordinance.

700 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
701 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and
702 caretaking of prisoners bound over to superior courts for violations of state law.

703 (e) The municipal court shall have authority to establish bail and recognizances to ensure
704 the presence of those charged with violations before such court, and shall have discretionary
705 authority to accept cash or personal or real property as surety for the appearance of persons
706 charged with violations. Whenever any person shall give bail for that person's appearance
707 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
708 presiding at such time, and an execution issued thereon by serving the defendant and the
709 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
710 event that cash or property is accepted in lieu of bond for security for the appearance of a
711 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
712 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
713 property so deposited shall have a lien against it for the value forfeited which lien shall be
714 enforceable in the same manner and to the same extent as a lien for city property taxes.

715 (f) The municipal court shall have the same authority as superior courts to compel the
716 production of evidence in the possession of any party; to enforce obedience to its orders,
717 judgments, and sentences; and to administer such oaths as are necessary.

718 (g) The municipal court may compel the presence of all parties necessary to a proper
719 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
720 served as executed by any officer as authorized by this charter or by law.

721 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
722 persons charged with offenses against any ordinance of the city, and each judge of the
723 municipal court shall have the same authority as a magistrate of the state to issue warrants
724 for offenses against state laws committed within the city.

725 **SECTION 4.14.**

726 **Certiorari.**

727 The right of certiorari from the decision and judgment of the municipal court shall exist in
728 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under

729 the sanction of a judge of the Superior Court of Bartow County under the laws of the State
730 of Georgia regulating the granting and issuance of writs of certiorari.

731 **SECTION 4.15.**

732 Rules for court.

733 With the approval of the city council, the judge shall have full power and authority to make
734 reasonable rules and regulations necessary and proper to secure the efficient and successful
735 administration of the municipal court; provided, however, that the city council may adopt in
736 part or in toto the rules and regulations applicable to municipal courts. The rules and
737 regulations made or adopted shall be filed with the city clerk, shall be available for public
738 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
739 proceedings at least 48 hours prior to said proceedings.

740 **ARTICLE V**

741 **ELECTIONS AND REMOVAL**

742 **SECTION 5.10.**

743 Applicability of general law.

744 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
745 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

746 **SECTION 5.11.**

747 Election of the city council and mayor.

748 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
749 next following the first Monday in November.

750 (b) There shall be elected the mayor and two councilmembers at one election and at every
751 other regular election thereafter. The remaining city council seats shall be filled at the
752 election alternating with the first election so that a continuing body is created. Terms shall
753 be for four years.

754 **SECTION 5.12.**

755 Nonpartisan elections.

756 Political parties shall not conduct primaries for city offices and all names of candidates for
757 city offices shall be listed without party designations.

758 **SECTION 5.13.**

759 Election by plurality.

760 The person receiving a plurality of the votes cast for any city office shall be elected.

761 **SECTION 5.14.**

762 Special elections; vacancies.

763 In the event that the office of mayor or councilmember shall become vacant as provided in
764 Section 2.12 of this charter, the city council or those remaining shall order a special election
765 to fill the balance of the unexpired term of such official; provided, however, that, if such
766 vacancy occurs within 12 months of the expiration of the term of that office, the city council
767 or those remaining shall appoint a successor for the remainder of the term. In all other
768 respects, the special election shall be held and conducted in accordance with Chapter 2 of
769 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

770 **SECTION 5.15.**

771 Other provisions.

772 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
773 such rules and regulations it deems appropriate to fulfill any options and duties under
774 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

775 **SECTION 5.16.**

776 Removal of officers.

777 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
778 be removed from office for any one or more of the causes provided in Title 45 of the
779 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

780 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
781 by one of the following methods:

782 (1) Following a hearing at which an impartial panel shall render a decision. In the event
783 an elected officer is sought to be removed by the action of the city council, such officer
784 shall be entitled to a written notice specifying the ground or grounds for removal and to
785 a public hearing which shall be held not less than ten days after the service of such
786 written notice. The city council shall provide by ordinance for the manner in which such
787 hearings shall be held. Any elected officer sought to be removed from office as herein

provided shall have the right of appeal from the decision of the city council to the Superior Court of Bartow County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

(2) By an order of the Superior Court of Bartow County following a hearing on a complaint seeking such removal brought by any resident of the City of White.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes shall be paid. The city council, by ordinance, may provide for the payment of these taxes by two installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

815 **SECTION 6.13.**

816 Regulatory fees; permits.

817 The city council by ordinance shall have the power to require businesses or practitioners
818 doing business within this city to obtain a permit for such activity from the city and pay a
819 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
820 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
821 provided in Section 6.18 of this charter.

822 **SECTION 6.14.**

823 Franchises.

824 (a) The city council shall have the power to grant franchises for the use of this city's streets
825 and alleys for the purposes of railroads, street railways, telephone companies, electric
826 companies, electric membership corporations, cable television and other telecommunications
827 companies, gas companies, transportation companies, and other similar organizations. The
828 city council shall determine the duration, terms, whether the same shall be exclusive or
829 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
830 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
831 the city receives just and adequate compensation therefor. The city council shall provide for
832 the registration of all franchises with the city clerk in a registration book kept by the clerk.
833 The city council may provide by ordinance for the registration within a reasonable time of
834 all franchises previously granted.

835 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
836 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
837 street railways, telephone companies, electric companies, electric membership corporations,
838 cable television and other telecommunications companies, gas companies, transportation
839 companies, and other similar organizations.

840 **SECTION 6.15.**

841 Service charges.

842 The city council by ordinance shall have the power to assess and collect fees, charges,
843 assessments, and tolls for sewers, sanitary and health services, or any other services provided
844 or made available within and without the corporate limits of the city. If unpaid, such charges
845 shall be collected as provided in Section 6.18 of this charter.

846 **SECTION 6.16.**

847 Special assessments.

848 The city council by ordinance shall have the power to assess and collect the cost of
849 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
850 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
851 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

852 **SECTION 6.17.**

853 Construction; other taxes and fees.

854 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
855 and the specific mention of any right, power, or authority in this article shall not be construed
856 as limiting in any way the general powers of this city to govern its local affairs.

857 **SECTION 6.18.**

858 Collection of delinquent taxes and fees.

859 The city council by ordinance may provide generally for the collection of delinquent taxes,
860 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
861 whatever reasonable means as are not precluded by law. This shall include providing for the
862 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
863 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
864 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
865 city taxes or fees; and providing for the assignment or transfer of tax executions.

866 **SECTION 6.19.**

867 General obligation bonds.

868 The city council shall have the power to issue bonds for the purpose of raising revenue to
869 carry out any project, program, or venture authorized under this charter or the laws of the
870 state. Such bonding authority shall be exercised in accordance with the laws governing bond
871 issuance by municipalities in effect at the time such issue is undertaken.

872 **SECTION 6.20.**

873 Revenue bonds.

874 Revenue bonds may be issued by the city council as state law now or hereafter provides.
875 Such bonds are to be paid out of any revenue produced by the project, program, or venture
876 for which they were issued.

877 **SECTION 6.21.**

878 Short-term loans.

879 The city may obtain short-term loans and shall repay such loans not later than December 31
880 of each year, unless otherwise provided by law.

881 **SECTION 6.22.**

882 Lease-purchase contracts.

883 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
884 acquisition of goods, materials, real and personal property, services, and supplies provided
885 the contract terminates without further obligation on the part of the municipality at the close
886 of the calendar year in which it was executed and at the close of each succeeding calendar
887 year for which it may be renewed. Contracts shall be executed in accordance with the
888 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are
889 or may hereafter be enacted.

890 **SECTION 6.23.**

891 Fiscal year.

892 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
893 budget year and the year for financial accounting and reporting of each and every office,
894 department, agency, and activity of the city government unless otherwise provided by state
895 or federal law.

896 **SECTION 6.24.**

897 Preparation of budgets.

898 The city council shall provide an ordinance on the procedures and requirements for the
899 preparation and execution of an annual operating budget, a capital improvement plan, and

900 a capital budget, including requirements as to the scope, content, and form of such budgets
901 and plans.

902 **SECTION 6.25.**

903 Submission of operating budget to city council.

904 On or before a date fixed by the city council but not later than 60 days prior to the beginning
905 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
906 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
907 containing a statement of the general fiscal policies of the city, the important features of the
908 budget, explanations of major changes recommended for the next fiscal year, a general
909 summary of the budget, and such other pertinent comments and information. The operating
910 budget and the capital budget hereinafter provided for, the budget message, and all
911 supporting documents shall be filed in the office of the city clerk and shall be open to public
912 inspection.

913 **SECTION 6.26.**

914 Action by city council on budget.

915 (a) The city council may amend the operating budget proposed by the mayor; provided that
916 the budget as finally amended and adopted shall provide for all expenditures required by state
917 law or by other provisions of this charter and for all debt service requirements for the ensuing
918 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund
919 balance, reserves, and revenues.

920 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
921 year not later than the 15th day of December each year. If the city council fails to adopt the
922 budget by this date, the amounts appropriated for operation for the current fiscal year shall
923 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
924 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
925 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
926 the estimated revenues in detail by sources and making appropriations according to fund and
927 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
928 adopted pursuant to Section 6.24 of this charter.

929 (c) The amount set out in the adopted operating budget for each organizational unit shall
930 constitute the annual appropriation for such, and no expenditure shall be made or
931 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
932 or allotment thereof, to which it is chargeable.

933 **SECTION 6.27.**

934 Tax levies.

935 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
936 set by such ordinances shall be such that reasonable estimates of revenues from such levy
937 shall at least be sufficient, together with other anticipated revenues, fund balances, and
938 applicable reserves, to equal the total amount appropriated for each of the several funds set
939 forth in the annual operating budget for defraying the expenses of the general government
940 of this city.

941 **SECTION 6.28.**

942 Changes in appropriations.

943 The city council by ordinance may make changes in the appropriations contained in the
944 current operating budget, at any regular, special, or emergency meeting called for such
945 purpose, but any additional appropriations may be made only from an existing unexpended
946 surplus.

947 **SECTION 6.29.**

948 Capital budget.

949 (a) On or before the date fixed by the city council but no later than 30 days prior to the
950 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
951 improvements plan with a recommended capital budget containing the means of financing
952 the improvements proposed for the ensuing fiscal year. The city council shall have power
953 to accept, with or without amendments, or reject the proposed plan and proposed budget.
954 The city council shall not authorize an expenditure for the construction of any building,
955 structure, work, or improvement, unless the appropriations for such project are included in
956 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
957 charter.

958 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
959 year not later than the 15th day of December of each year. No appropriation provided for in
960 a prior capital budget shall lapse until the purpose for which the appropriation was made
961 shall have been accomplished or abandoned; provided, however, that the mayor may submit
962 amendments to the capital budget at any time during the fiscal year, accompanied by
963 recommendations. Any such amendments to the capital budget shall become effective only
964 upon adoption by ordinance.

965 **SECTION 6.30.**

966 Independent audit.

967 There shall be an annual independent audit of all city accounts, funds, and financial
968 transactions by a certified public accountant selected by the city council. The audit shall be
969 conducted according to generally accepted auditing principles. Any audit of any funds by
970 the state or federal governments may be accepted as satisfying the requirements of this
971 charter. Copies of annual audit reports shall be available at printing costs to the public.

972 **SECTION 6.31.**

973 Contracting procedures.

974 No contract with the city shall be binding on the city unless:

- 975 (1) It is in writing;
- 976 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
977 course, is signed by the city attorney to indicate such drafting or review; and
- 978 (3) It is made or authorized by the city council and such approval is entered in the city
979 council journal of proceedings pursuant to Section 2.20 of this charter.

980 **SECTION 6.32.**

981 Centralized purchasing.

982 The city council shall by ordinance prescribe procedures for a system of centralized
983 purchasing for the city.

984 **SECTION 6.33.**

985 Sale and lease of city property.

- 986 (a) The city council may sell and convey or lease any real or personal property owned or
987 held by the city for governmental or other purposes as now or hereafter provided by law.
- 988 (b) The city council may quitclaim any rights it may have in property not needed for public
989 purposes upon report by the mayor and adoption of a resolution, both finding that the
990 property is not needed for public or other purposes and that the interest of the city has no
991 readily ascertainable monetary value.
- 992 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
993 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger
994 tract or boundary of land owned by the city, the city council may authorize the mayor to sell

and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of such street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase such property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

The officers and employees of this city, both elective and appointive, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Prior ordinances.

All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 90 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.13.

Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 7.14.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.15.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

An Act incorporating the City of White in the County of Bartow, approved August 7, 1919 (Ga. L. 1919, p. 1385), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

1050

SECTION 7.17.

1051

General repealer.

1052 All laws and parts of laws in conflict with this Act are repealed.